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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,559	08/21/2003	Thomas W. Odell	GP-302521	9422

7590 06/13/2006

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EXAMINER

JACKSON, BLANE J

ART UNIT PAPER NUMBER

2618

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/646,559	Applicant(s) ODELL ET AL.	
	Examiner Blane J. Jackson	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8, 10-15, 18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Silver (US 6,876,970).

As to claims 1 and 11, Silver teaches a method of operating and a vehicle radio system comprising:

A radio receiver that is configured to receive a radio signal from a broadcast station (figure 1, column 4, lines 5-13, broadcast receiver (100) discussed as an AM/FM radio installed in a vehicle),

A microphone that is configured to receive an audible from an operator of the vehicle radio system and generate an audible signal from said audible (figure 1, column 4, lines 14-45, microphone (110)),

A tuning module configured to receive said radio signal from said radio receiver and said audible signal from said microphone (column 4, lines 29-57, processor (140) determines tuned station based on voice input), said tuning module comprising:

A storage module configured to store a first phoneme string and a first channel number associated with said first phoneme string (column 4, lines 39-57, first phoneme example is voiced "FM 107.9" to be compared with the same speech segment stored in memory (150)),

A voice recognition engine configured to compare a phoneme in said audible signal with said first phoneme string stored in said storage module (column 4, lines 39-57, digitized "FM 107.9" is compared to stored same speech segment),

A tuner configured to tune said radio receiver to said first channel number when said voice recognition engine identifies said phoneme as said first phoneme string (figure 1, column 4, lines 46-57, processor (140) instructs tuner (160) to tune to the audible frequency if a match is made of the audible signal to a speech segment store in memory).

As to claims 2 and 3 with respect to claim 1 and claims 12 and 13 with respect to claim 11, Silver teaches the tuner is configured to tune said radio receiver to one of multiple channel number when said voice recognition engine identifies said phoneme as one of a multiple phoneme string (figure 2, column 4, line 58 to column 5, line 27, Table 1 identifies a number of voice commands to identify multiple broadcast stations).

As to claim 4 with respect to claim 1 and claim 14 with respect to claim 11, Silver teaches the vehicle radio system wherein:

Said storage module is configured to store a second phoneme string and a first programming format associated with said second phoneme string (figure 4, column 6, line 41 to column 7, line 10, example is a television set, voice command is associated with programming genre),

Said voice recognition engine is configured to compare said phoneme is said audible signal with said second phoneme string stored in said storage module and

Said tuner is configure to tune said radio receiver to a second channel number associated with said voice recognition engine identifies said phoneme as said second phoneme string (Table 3, column 7, lines 38).

As to claim 5 with respect to claim 4 and claim 15 with respect to claim 14, Silver teaches wherein said first programming format is a sports programming format (column 6, lines 40-60, Table 3, several genre including sports is listed).

As to claims 8 and 18 with respect to claims 1 and 11, Silver teaches the vehicle radio system wherein:

Said storage module is configured to store a second phoneme string and a first functional command associated with said second phoneme string (column 7, lines 39-57, second phoneme string is "activate voice command" is a triggering word or phrase from a user to enable a receiver to take voice command),

Said voice recognition engine is configured to compare said phoneme in said audible signal with said second phoneme string stored in said storage module and

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request said first functional command when said voice recognition engine identifies said phoneme as said second phoneme string (column 7, line 58 to column 8, line 17).

As to claim 10, Silver teaches the vehicle radio system as set forth in claim 1 wherein said first phoneme string is a phonetic spelling of said first channel number (column 4, lines 46-57, audible speech segment "FM 107.9" must be spelled out in that it is not a phrase or word).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silver et al. (US 6,876,970).

As to claim 9 and 19 with respect to claims 8 and 18, Silver teaches command phrases station select and a control phrase to enable voice command, column 7, lines 40-43, but is silent as to the functional command is a volume command. However, Silver also teaches various speech segments may comprise "stop", "I like this" and "news" that will trigger receiver control provided that the subsequent speech segment has been previously stored in memory (350) as a voice command, therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to further

program the voice command system of Silver with any further useful voice commands for convenient control of the receiver.

Claims 6, 7, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silver et al. (US 6,876,970) in view of Marks et al. (US 2002/0032019).

As to claims 6 and 7 with respect to claim 1 and claims 16 and 17 with respect to claim 11, Silver teaches a receiver to reproduce broadcast programming, column 4, lines 5-13, but is silent as to the radio signal transmitted by the broadcast service is a digital radio signal or a satellite broadcast service.

Marks a mobile broadcast receiver comprising user control interface of keypad/ buttons or voice command for the selection of the category and channel of broadcast programs, figure 1, paragraphs 0042-0045 and 0056-0059. Marks further teaches the programming providers may be associated as affiliates of a network, paragraph 0046-0047 where example of data networks of the program providers includes wireless delivery by means of cellular radio systems, satellite delivery, regional broadcast (AM/FM) or a combination of these, paragraphs 0016.

It would have been obvious to one of ordinary skill in the art at the time of the invention to recognize in the broadcast receiver of Silver the alternative data networks as taught by Marks for enhanced selection of audio programs.

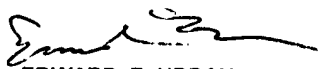
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Friday, 9:00 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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